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Inconsistent regulation is a threat to Texas growth

By TREY POWERS | December 21, 2011

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In the midst of the 2012 presidential campaign, the discussion of energy supply and demand has again made its way to the forefront. Regardless of the candidates' positions on the issue, the fact remains that we need all sources of energy production and we need them now. If we cannot continue to develop a steady baseline of electricity capacity, one that grows to meet our expanding needs, last winter's rolling blackouts in Texas will seem like a minor discomfort compared to what might come.

A reliable electricity supply is arguably the most important infrastructure need of a modern society. Almost everything upon which we depend will simply cease working without electricity. The Texas energy grid was already under strain during the extreme weather of 2011, and to meet our growing needs, the system must increase generation by an astounding 28 percent by 2021 - less than 10 years from today - and then increase capacity again by an additional 31 percent by 2031.

To begin to find a solution, we must finally admit that no one source of energy production will meet our growing demands. We will need to increase nuclear power production, which currently accounts for about 13.1 percent of Texas' energy production. Nuclear energy is proven technology that can provide large quantities of emission-free, affordable base-load electricity.

Measure ROI on Social Media. Definitely. Roll over to learn more today. People pause concerning the safety of nuclear power. However, keep in mind, the U.S. nuclear power industry operates some of the safest and most reliable reactors on Earth and continues to work with independent experts to regularly implement cutting-edge safety precautions.

And a critical piece of the solution is for U.S. regulators to grant Texas energy companies reasonable access to our abundant natural resources, including uranium, the fuel source used to generate nuclear power. Even though there is minimal environmental impact due to the industry's use of advanced mining technology, and even with the most fair and consistent regulatory measures in place, bringing new uranium mines into production requires careful, time-consuming planning and permitting well in advance of exploration and production.

Currently, 93 percent of the uranium used for public power generation is imported. But reliance on foreign sources of uranium can be significantly reduced by tapping into the uranium-rich deposits in the U.S. and, specifically, those in South Texas. Unfortunately, inconsistencies in Environmental Protection Agency

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regulations are hampering our ability to access Texas' uranium reserves and are making it nearly impossible for companies to operate.

Consider the dilemma of a handful of uranium-mining companies in South Texas that have invested both time and energy in the permitting process. Although these companies are prepared to begin mining operations, they have not yet received EPA permission.

The areas to be mined sit atop water supplies that are not fit for human consumption by federal standards, but the EPA must still grant the companies aquifer exemptions from the Clean Water Act in order for mining to proceed. Unlike the 36 previous uranium mining approvals the EPA has granted in Texas since 1982, the EPA is now telling these companies that they will have to produce aquifer models that will meet regulations that have not even been proposed or drafted. Remember, these are aquifers that, according to EPA drinking-water standards, are not fit for human consumption.

Uranium mining operators are as concerned as local residents with protecting the health of the environment and community in which they operate. After all, it is their home, too. They don't need to be caught in a vortex of political games; rather, they need certainty and consistency in the application of the heightened regulations with which they must comply.

The U.S., and more specifically, Texas, faces an immense challenge: We need to grow our energy resources so that we will be able to meet our expanding demands in coming decades. Our state can meet that challenge if we have access to all sources of energy. But an inconsistent federal regulatory system continues to hamper our ability to grow our energy industries. If the situation is not addressed immediately, we will soon face an energy crisis that will have drastic negative consequences for many years to come.

Powers is executive director of the [Texas Mining and Reclamation Association](#).

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